

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF BOWDOIN SCHOOL ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

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A. The Hearing. A public hearing was held at 1:30 P. M. on September 25, 1975, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Wingate Development Corp. Trust, and Wingate Development Corp. for Bowdoin School Associates, (hereinafter called the "Applicants"), for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on September 9, 1975, and September 16, 1975, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority,

and James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the acquisition of the Bowdoin School Site from the City of Boston and the comprehensive rehabilitation, construction, operation and maintenance of 35 dwelling units and appurtenant facilities thereon, consisting of twenty (20) one-bedroom units, and fifteen (15) two-bedroom units, together with a community meeting room, lounge area and outdoor patio sitting area. In addition, the Applicants will cause to be set aside four off-street parking spaces within the Cambridge Street area at a price not to exceed \$55.00 per month. The premises on which the Project is to be located is hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency. The Applicants intend to offer the rental of the units to be built to the elderly. The Beacon Hill Civic Association will supervise this rental plan, and it is the intention of the Applicants and the Mortgagee, Massachusetts Housing Finance Agency, that this Project be elderly-oriented.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing, and additional statements submitted subsequent to the hearing. The members of the



Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, rehabilitation, operation and maintenance of a decent, sanitary and safe residential building and appurtenant facilities.

D. Project Area Substandard and Decadent. The building which the Applicants propose to rehabilitate was constructed in 1896. In 1944 the "Strayer Report", done for the Boston Finance Commission as a survey of the Public Schools, found that it was "painfully evident" that the building was physically obsolete and inadequate. Presently, the building is generally dilapidated, out of repair, (the roof being in particularly serious disrepair) physically deteriorated, unfit for human habitation, obsolete and/or in need of major maintenance and repair. Refuse, rubbish and debris has been dumped in and around the building, and the building has been damaged by interior and exterior vandalism. It is extremely likely that these destructive conditions will dramatically worsen when the Boston School Department completely vacates the premises, together with the creation of a serious fire hazard and a general safety hazard especially to the children in the area and, if so, will be detrimental to the safety, health, morals, welfare and sound growth of the Beacon Hill community. It is improbable that the area will be redeveloped by the ordinary operations of private enterprise.

Compounding the financial problems of redeveloping the site is the fact that the existing building covers an excessively large portion of the site. Given the standards set by HUD, MHFA, and zoning regulations, the excessive land coverage existing on this site makes it inappropriate for family use and limits its suitability to older persons requiring less recreational area. Unfortunately, the elderly persons for whom the Project is suited are least able to bear the cost increment which development through private enterprise would generate.

The conditions which are causing the blight, and deterioration are not being remedied by the ordinary operations of private or public enterprise. These conditions warrant the carrying out of the Project in accordance with Chapter 121A of the General Laws, and the Application constitutes a "Project" within the meaning of that law. The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe, and sanitary housing for elderly persons and families at rent levels below those which the conventional operations of the real estate market produce is, as a matter of common knowledge, intense. Construction of the substantial number of units and facilities proposed for the Project Area will serve to alleviate this intense demand, and will in addition encourage the conservation and improvement of the Area.

The Project will provide substantial financial return to the



City of Boston. Exhibit A of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, Section 10. Exhibit A is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit A.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$993,958.00. The Applicants have received an MHFA commitment for a permanent mortgage loan in the principal amount of \$894,562.00 or approximately 90% of the total estimated cost of the Project. In addition, approximately seventy-five (75%) percent of the units will be subsidized by Section 8 funds of the Housing Act of 1974. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership to be called Bowdoin School Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be rehabilitated under the Project has been reviewed by the Design Review Staff of the Authority and is subject to further Design Review. The Authority finds that such rehabilitation will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction of any existing structures. The building involved in the Project involves no dislocation of any persons from their apartments.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:



1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code and the Building Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.

9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit B filed with and attached to the Application, are



hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit B, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500' of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Exhibit C filed with and attached to the Application lists the Zoning and Building Deviations. For the reasons set forth in the Application and supporting documents, including said Exhibit C, and on the basis of the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning and Building Deviations from which permission is sought, are as follows:

BOSTON ZONING CODE

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| Article 15 | - | Permission to deviate from requirement limiting floor area ratio to 2.0 in an H-2-65 district; proposed condition of approximately 5.0 to be the same as existing condition.   |
| Article 16 | - | Permission to deviate from maximum height limitation of 65 feet; proposed condition of approximately 85 feet to be the same as existing condition.   |
| Article 17 | - | Permission to deviate from requirement of 150 square feet of usable open space per dwelling unit in an H-2-65 district; proposed condition of a total of approximately 1,460 square feet to be the same as existing condition. |
| Article 18 | - | Permission to deviate from requirement that front yard be 20 feet in an H-2-65 district; proposed condition to be the same as existing condition, namely no front yard.  |



- Article 19 - Permission to deviate from side yard requirements for dwellings in a U-2-65 district; proposed condition to be the same as existing condition, namely approximately one foot side yard.
- Article 20 - Permission to deviate from rear yard requirements for dwellings in an U-2-65 district; proposed condition to be the same as existing condition, namely a twenty-four foot rear yard.
- Article 23 - Permission to deviate from all off-street parking requirements.

#### BUILDING CODE

- Section 718.0 - The existing structural features of this building does not meet modern earthquake standards. To correct those conditions would require complete destruction and replacement of the building.
- Section 737.42 - The existing structural features of this building does not meet modern liquefaction standards. To correct those conditions would require complete destruction and replacement of the building.
- Section 816.2 - Existing mortar does not meet requirements of this Code section for new buildings. Replacement of mortar would require total destruction and replacement of the building. The mortar joints have been checked and no noticeable cracks have occurred which indicates (1) the mortar and brick are homogeneous, (2) the foundation is adequate, and (3) the foundation has been adequate for more than 78 years under more severe loading conditions than the proposed use here.
- Table 2-6 - The height of the building is an existing condition which does not conform to height requirements for this type of construction under the existing Code. Compliance with this section would involve demolition of a portion of the structure.

TABLED: OCTOBER 23, 1975  
RESUBMITTED: NOVEMBER 6, 1975  
RESUBMITTED: NOVEMBER 20, 1975

## MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION OF  
BOWDOIN SCHOOL ASSOCIATES

A public hearing was held by the Authority on September 25, 1975 on the above-captioned Application. At that meeting the Board heard a presentation by the Applicants. The Board requested that the Applicants submit additional information concerning the eligibility of the Project Area for 121A status before the Authority make any findings as to whether the Project Area defined in the Application is substandard or decadent within the meaning of Massachusetts General Laws Chapter 121A. The additional information requested has been furnished to the Authority.

As indicated by the Applicants at the hearing, and as stated in the Application, this proposal calls for the acquisition by the Applicants of the Bowdoin School site located at 45 Myrtle Street in the Beacon Hill area of Boston and the construction, rehabilitation, operation and maintenance of 35 dwelling units and appurtenant facilities. Approximately 75% of the units will be available to persons eligible for assistance under Section 8 of the Housing and Community Development Act of 1974. The Applicants intend to offer the rental of the units to the elderly. The Beacon Hill Civic Association will supervise this rental plan, and it is the intention of the Applicants and the Massachusetts Housing Finance Agency that this Project be elderly oriented.

It is anticipated that approximately 90% of the total financing cost of approximately \$993,958.00 will be financed through the Massachusetts Housing Finance Agency.

With respect to the Applicants' request for permission to deviate from the provisions of the State Building Code and the Boston Zoning Code, the Boston Building Department and the Authority's



Staff have reviewed these requests and do not object to the deviations to be granted. The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal for Bowdoin School Associates has thus been examined both as to its Environmental Impact and as to its compliance with 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Bowdoin School Associates and approve the Project as having no significant Environmental Impact.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Bowdoin School Associates for Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.), as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Formed Under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A" which includes a determination by the Authority that said Project has no significant Environmental Impact, be and hereby is approved and adopted.

